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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the third periodic report of Bahrain

Addendum

Information provided by Bahrain on the follow-up to the concluding observations of the Committee*

[Date received: 9 March 2016]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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26. *The Committee reiterates its recommendation (CEDAW/C/BHR/CO/2, para. 27) that the State party:*

(a) *Adopt and implement a national strategy against trafficking that includes criminal justice measures to prosecute and punish traffickers, together with measures for the protection and rehabilitation of victims of trafficking for purposes of forced labour and/or sexual exploitation;*

(b) *Provide statistical data on cases of trafficking for purposes of forced labour and/or sexual exploitation and on victims who have benefited from existing programmes;*

(c) *Strengthen training and awareness-raising programmes for the police, border control authorities and other law enforcement agencies, in addition to labour inspectors, on their role in preventing and combating trafficking in women and girls;*

(d) *Take measures to ensure access to legal aid for victims and to the necessary assistance, support and protection, including facilitating the provision of residence permits where appropriate;*

(e) *Raise awareness of the risks of trafficking and exploitation of women for forced labour and prostitution, with a focus on migrant women;*

(f) *Provide comprehensive information on the issue of prostitution, including measures adopted by the State party to discourage demand for prostitution and to prosecute and punish those who exploit prostitution.*

Response of the Kingdom of Bahrain to recommendation No. 26 of the Committee on the Elimination of Discrimination against Women:

- The Kingdom of Bahrain reiterates that national efforts to combat human trafficking are regulated by Law No. 1 of 2008 on Combating Trafficking in Persons issued under a decree law. The law treats Bahrain's obligations under the United Nations Convention against Transnational Organized Crime, Convention on the Rights of the Child and Convention on the Elimination of Discrimination against Women.
- The Kingdom of Bahrain makes the utmost efforts to apply national, regional and international standards for combating human trafficking, taking into account governmental and nongovernmental proposals in this regard based on transparency and cooperation to achieve the desired objectives in the framework of its domestic law and to fulfil its international obligations in this regard.
- The rating of Bahrain according to the US Department of State's annual Trafficking in Persons Report improved from "Tier 2 Watch List" in 2014 to "Tier 2" in 2015. The report emphasizes the progress achieved in the Bahrain's efforts to combat human trafficking.
- Bahrain is in the process of preparing and formulating a national strategy to prevent and eliminate all forms of human trafficking.
- The strategy will focus on achieving all national and international objectives for combating human trafficking by establishing practical, preventive,

treatment and penal rules to eliminate what are mostly individual practices that continue to occur within a narrow scope.

- Once the strategy and executive plan are released, the committee will be provided with a copy thereof.
- The Supreme Council of Women will monitor the implementation of the strategy in all that pertains to Bahraini women.
- The concerned Bahraini authorities will continue their policy and programs to prevent and eliminate human trafficking and protect trafficking victims in the framework of a national plan being implemented by the National Committee to Combat Trafficking in Persons through coordination with all concerned authorities.

Following are the key initial preventive measures pending the issuance of the strategy:

- Strengthening of programs to train the police and other law enforcement authorities, including labour inspectors, by holding internal and external training courses.
- Cooperation with the United Nations Office on Drugs and Crime in the states of the Cooperation Council for the Arab States of the Gulf, in collaboration with the National Committee to Combat Trafficking in Persons, to organize a regional workshop on "Support for Human Trafficking Victims and the National Referral System" during 29 November-2 December 2015.
- Formation of the national evaluation committee to follow up human trafficking issues. The committee has prepared and printed a number of information and awareness-raising brochures regarding its activity in the languages of all target groups.

44. *The Committee encourages the State party to build on the progress achieved concerning the first part of the Law of Family Rulings (Law No. 19 of 2009) and expedite the adoption of the second part of the legislation, with a view to adopting a unified family law that provides for equality and effective access to justice in family issues. In this regard, it recommends that the State party:*

(a) *Take steps to ensure access to justice in family issues for the Shiite community;*

(b) *Raise awareness about the need for a unified family law that ensures women's rights under the Convention;*

(c) *Draw on the examples of other countries with similar religious backgrounds and legal systems that have reconciled their national legislation with the legally binding international instruments that they have ratified, specifically regarding equal rights for women and men concerning marriage, divorce, child custody and inheritance;*

(d) *The Committee also reiterates its recommendation (CEDAW/C/BHR/CO/2, para. 39) that the State party raise the minimum age of marriage for girls to 18 years, to be equal to that of boys, and to take specific measures to end the practice of polygamy. The Committee calls upon the State party to reassess its reservations to articles 15 (4) and 16 of the Convention with a view to their withdrawal.*

Response of the Kingdom of Bahrain to recommendation No. 44 of the Committee on the Elimination of Discrimination against Women:

The following steps have been taken to ensure access to justice in family issues for the Shiite community:

- The Kingdom of Bahrain reiterates that its Constitution guarantees the right to litigate to all men and women without discrimination in respect of sex or sect (article 20, paragraph f) in all criminal, civil and family disputes. Family issues are brought before the sharia courts. The legislator has assigned a Sunni department and a Jaafari department to each court to enable all citizens to have equal access to justice and a speedy decision (article 13 of the Judicial Authority Law promulgated by Decree Law No. 42 of 2002 and amendments thereto).
- Raising of awareness of the need for a unified Law of Family Rulings to ensure the rights of women under the Convention.
- In this regard, follow up is being conducted with the legislative power (the Council of Representatives and the Consultative Council) regarding the promulgation of laws in Bahrain. Follow-up is being conducted on the outcome of the discussion of the Law of Family Rulings Bill (Second Part). The Supreme Council of Women is continuing, through its machineries and the joint committee on which it serves with representatives of the legislative power and other concerned entities, to monitor this matter and raise awareness of the need and importance of issuing the second part of the Law of Family Rulings.
- Regarding the Committee's recommendation to draw on the examples of other countries with similar religious backgrounds and legal systems that have reconciled their national legislation with the legally binding international instruments that they have ratified, specifically regarding equal rights for women and men concerning marriage, divorce, child custody and inheritance:
  - The Kingdom of Bahrain reiterates that article 2 of its Constitution stipulates that the religion of the state is Islam and that sharia law is a main source of legislation. Hence, the Law of Family Rulings is based on the provisions of sharia law.
  - Sharia law regulates marriage, child custody, divorce, inheritance and other family matters according to clear, defined rules that are based on the achievement of justice and equality between men and women and that ensure the achievement of the interests and stability of the family. These rules are based on definitive provisions in sharia law pertaining to public order and are applied equally to the Sunni and Jaafari sects.
- Regarding the raising of the minimum age of marriage for girls, polygamy and the lifting of reservations:
  - Minimum age of marriage: The Law on Family Rulings of 2009 (First Part) and Decree No. 1 of 2016 on Regulations concerning Officials Authorized to Perform Marriages and the Documentation of Personal Status Documents (which applies to all marriage contracts in both the Sunni and Jaafari sects) set the minimum age for the marriage of girls at 16 years. In view of the high level of awareness, education, and culture in Bahraini society, very few girls under the age of 18 marry.

- Polygamy: The Kingdom of Bahrain reiterates that this matter is governed by the rules and provisions of sharia law, which the Bahraini legislator treats in articles 5 and 17 of the Law on Family Rulings (First Part), a copy of which is attached.

- Lifting of reservations: The Kingdom of Bahrain reformulated its reservations to articles 2, 15 (4) and 16 of the Convention to underscore its commitment to these articles without prejudice to the provisions of sharia law, which is considered a basic source of legislation in Bahrain. It did so by issuing Decree Law No. 70 of 2014 Amending Several Provisions of Law No. 5 of 2002 Approving Accession to the Convention on the Elimination of All Forms of Discrimination against Women. The Council of Representatives is currently discussing the aforesaid decree law, which also amends the wording of the reservation to article 15 (4) in a way that narrows the scope of the reservation, which was originally categorical.